

## REMARKS

This Amendment is in response to the Office Action dated May 2, 2006. Upon entry of this amendment Claims 1-25 are pending and under consideration. Claims 14 – 15 and 21 – 22 are amended as described in detail below. Applicant respectfully submits that no new matter is added by this amendment.

### **Double Patenting Rejection**

Claims 1-9, 14-15 and 26 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 17 of U.S. Patent No. 7,025,900. A Terminal Disclaimer with respect to U.S. Patent No. 7,025,900 is enclosed herewith to overcome the double patenting rejection with respect to Claims 1-9, 14-15 and 26.

### **Rejections under 35 U.S.C. § 112**

Claims 14-15 and 21-22 have been rejected under 35 U.S.C. § 112 as failing to particularly point out and distinctly claim the subject matter of the invention. As suggested by the Examiner, Applicant amends Claims 14-15 and 21-22, to amend formula “II” to read formula “III” to correct a typographical error.

### **Response to Argument and Objections**

Applicant acknowledges with appreciation the Examiner’s withdrawal of the rejections set forth in the previous office action in light of the arguments filed by Applicant on March 20, 2006. In the instant office action, the Examiner has objected to Claims 10-13, 16-20 and 23-25 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant respectfully submits that Claims 10 – 13, 16 – 20 and 23 – 25 are now in condition for allowance given the filing of the Terminal Disclaimer herewith.

Based on the foregoing, Applicant submits that Claims 1-25 are in condition for allowance. An early indication of the same is therefore respectfully requested. If any matters can be resolved by telephone, the Examiner is invited to call the undersigned attorney at the telephone number listed below. No fees beyond those being submitted concurrently herewith are believed due. However, the Commissioner is authorized to charge any additional required fees, or credit any overpayment, to Dorsey & Whitney LLP Deposit Account No. 50-2319 (Order No. A-72244/MSS (477077-141)).

Respectfully submitted,

DORSEY & WHITNEY LLP



Maria S. Swiatek  
Reg. No. 37,244

**Customer No. 32940**

555 California Street, Suite 1000  
San Francisco, CA 94104-1513  
Telephone: (650) 857-1717  
Facsimile: (650) 857-1288  
4816-4720-1281\1